

Notice of Allowability

Application No.

10/697,846

Examiner

Matthew Heneghan

Applicant(s)

YANOVSKY, BORIS

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 23 March 2007.
2. ☒ The allowed claim(s) is/are 1-11,13,15-17,19,21-42,44, and 47-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/5/07.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 1, 6, 13, 15-17, 19, 21-25, 28-42, 44, and 47-51 and cancelled claims 12, 14, 18, 20, 43, 45, and 46. Claims 28-42, 44, and 47-51 are further amended via an Examiner's Amendment. Claims 1-11, 13, 15-17, 19, 21-42, 44, and 47-51 have been examined.

Drawings

2. The drawings were received on 23 March 2007. These drawings are acceptable.

Allowable Subject Matter

3. Claims 1-11, 13, 15-17, 19, 21-42, 44, and 47-51 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 13, 19, 40, and 44, the connection maintenance techniques disclosed by Tso do not include the further fragmenting of received portions. The closest art, U.S. Patent No. 6,178,448 to Gray et al., discloses the trickling of packets in order to maintain connections, but the reason for doing so is to keep at least some traffic moving through each of the links in a system multiplexing among several lossy connections; this reasoning is not applicable to Tso and Shipley's invention, which

Art Unit: 2134

simply are trying to compensate for a long delay, and therefore one skilled in the art would lack motivation to modify Tso or Shipley as per Gray's teaching.

Regarding claims 6, 17, 25, 41, and 47, no art could found found that would suggest the re-transmitting of the last packet in order to keep a connection open.

Regarding claims 1, 16, 28, and 33, though packets generally contain authentication information that allows their receiver to verify their correctness, no art could be found that would motivate one skilled in the art to have the device add additional information to validate intermediate packets before the file was fully accepted by the system.

All other claims are allowable based upon their dependence upon allowable base claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is

(571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand, can be reached at (571) 272-3811.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew Heneghan/

June 6, 2007

Patent Examiner (FSA), USPTO Art Unit 2134

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Chui-kiu Wong on 5 June 2007.

In each of claims 28-42, 44, and 47-51, the term "physical machine-accessible" in the preamble is replaced by --machine-readable--.

/MH/ June 6, 2007